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DAC 628 (c)
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Docket No.: 20274/1200990-US5
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John C. Reed

Confirmation No.: 5198

Application No.: 09/375,514

Art Unit: 1635

Filed: August 17, 1999

Examiner: T. A. Vivlemore

For: ANTI-SENSE OLIGONUCLEOTIDES FOR
INHIBITING THE GROWTH OF LYMPHOMA
AND LEUKEMIA CELLS

COMMUNICATION CORRECTING ENTITY STATUS PURSUANT TO 37 C.F.R. §1.28(c)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

By this Communication, applicants notify the Patent and Trademark Office that the Small Entity Status in the above-identified patent application has been established in error. It is respectfully submitted that the erroneous determination of the small entity status and prior erroneous payment of small entity fees was made in good faith and without deceptive intent on part of the applicants. In accordance with 37 C.F.R. §1.28(c), an itemized calculation of the deficiency payment owed to the Patent and Trademark Office is provided below and the requisite deficiency fee of \$250.00 is submitted concurrently herewith. The Commissioner is authorized to charge any additional fees associated with this Communication to our Deposit Account No. 04-0100.

10/03/2005 SLUANGI 00000010 09375514

01 FC:1251	120.00 OP
02 FC:1251	120.00 OP
03 FC:1251	120.00 OP
04 FC:1814	130.00 OP

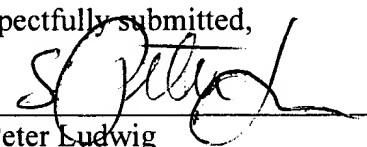
CALCULATION OF THE DEFICIENCY OWED:

Type of Fee Erroneously Paid as Small Entity	Fee Code	Small Entity Fee Actually Paid	Date Paid	Current Large Entity Fee	Deficiency Owed
Extension for Response within first month	1251/2251	\$60	08/26/05	\$120	\$60
Statutory Disclaimer	18/142814	\$65	08/26/05	\$130	\$65
Extension for Response within first month	1251/2251	\$60	02/07/05	\$120	\$60
Extension for Response within first month	1251/2251	\$55	06/14/04	\$120	\$65
Total deficiency					\$250

Total Deficiency Owed: \$250.00

Dated: September 27, 2005

Respectfully submitted,

By 
S. Peter Ludwig

Registration No.: 25,351
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Attorneys/Agents For Applicant



Application No. (if known): 09/375,514

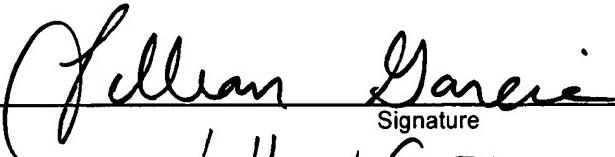
Attorney Docket No.: 20274/1200990-US5

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV692131160-US in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 28, 2005
Date


Signature

Lillian Garcia
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Processing Fee Transmittal (1 page)
Check No. 1837 in the amount of \$250
Communication Correcting Entity Status Pursuant to 37 CFR 1.28 (c) (2 pages)
Return Receipt Postcard



PTO/SB/17 (04-05)

Approved for use through 7/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL (Fees are subject to annual revision)		Application Number	09/375,514-Conf. #5198
Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Filing Date	August 17, 1999
		First Named Inventor	John C. Reed
		Art Unit	1635
		Examiner Name	T. A. Vivlemore
		Attorney Docket Number	20274/1200990-US5

Enclosed is a paper filed under 37 CFR 1.28(c) that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 250.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-0100:
 processing fee under 37 CFR 1.17(i) any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ _____ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130

**Fee Code 1808 for all,
Except for §1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications.
§ 1.48 – for correcting inventorship, except in provisional applications.
§ 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under §1.53(b).
§ 1.55 – for entry of late priority papers.
§ 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
§ 1.99(e) – for processing a belated submission under § 1.99.
§ 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
§ 1.103(d) – for requesting deferred examination of an application.
§ 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
§ 1.221 – for requesting voluntary publication or republication of an application. Fee Code 1803
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
§ 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
§ 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.

September 27, 2005

Date

S. Peter Ludwig

25,351

Typed or printed name

Registration No., if applicable

Express Mail Label No.

Dated: _____